HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK, CJ 140

WRIT PETITION NO. 5676 OF 2005

PETITIONER

M/s. Prakash Industries Limited, a company incorporated under the Companies Act, 1956 having its Registered Office at 15 KM-stone, Delhi Road, Hissar (Haryana) & having its Sponge Iron Plant at Village Kotadabri, Champa, District Janjgir-Champa, Through: its President (Corporate Affairs) & Power of Attorney Holder M/s. Prakash Industries Ltd., Champa (Chhattisgarh)

Versus

RESPONDENTS

1. Chief Electrical Inspector, Govt. of Chhattisgarh, Office of Chief Electrical Inspector, 36/437, Bairan Bazar, Raipur (Chhattisgarh)
2. Chhattisgarh State Electricity Board, Through: its Secretary, Dangania, Raipur
3. Chief Engineer, Bilaspur Region, Chhattisgarh State Electricity Board, Tifra, Bilaspur (CG)
4. Executive Engineer (O&M), Chhattisgarh State Electricity Board, Champa, District Janjgir-Champa (CG)
5. Superintending Engineer (O&M), Chhattisgarh State Electricity Board, Janjgir Circle, District Janjgir – Champa (CG).
6. Senior Accounts Officer, Chhattisgarh State Electricity Board, Tifra, Bilaspur (CG).

Present:

Mr. Sanjay K. Agrawal, learned counsel for the petitioner.

Mr. N.K. Agrawal, Dy. Advocate General, with Mr. Sandeep Dubey, learned Govt. Adv., for respondent No.1.

Mr. Yogesh Pandey, learned counsel for respondents 2 to 6.

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ORDER
(Passed on 28th November 2005)

Admittedly, against the impugned bills/orders an appeal lies under Sub-section (2) of Section 36 of the Indian Electricity Act, 1910.

(2) Having heard learned counsel for the parties, I am of the considered opinion that there is no justification for the petitioner to rush to this Court under Article 226 of the Constitution of India without exhausting alternative efficacious statutory remedies. In taking this opinion, I am also guided by the observation of the Apex Court as observed in para 3 of the judgment in the case of **Assistant Collector of Central Excise, Chandan Nagar, West Bengal Vs. Dunlop India Ltd. and others (AIR 1985 SC 330).** In that judgment, the Supreme Court quite aptly said that the matter involving the revenue should not be entertained under Article 226 of the Constitution unless the affected interest exhausted alternative statutory remedies. On that short ground, I am not inclined to entertain this writ petition. In the result, I dismiss the writ petition. However, it is directed that if the petitioner files an appeal before the appellate authority in terms of Sub-section (2) of Section 36 of the Indian Electricity Act within fifteen days from today, the appellate authority is directed to dispose of the appeal without reference to the limitation, as expeditiously as possible at any rate within a period of four months from the date of submission of such appeal.

Sd/-
Chief Justice